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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

Written statement*/ submitted by the International Centre for Human Rights and Democratic Development, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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1. The Commission on Human Rights has made an important contribution to the protection of human rights by establishing special procedures. Over the last two decades the Commission has created an armoury of country-specific and thematic rapporteurs, experts and working groups to help it in its crucial task to protect and promote human rights. Though they have grown and developed in an *ad hoc*, rather than systematic way, the special procedures of the Commission have played an extremely important role in fact-finding, monitoring and reporting on human rights violations in countries around the world.

2. The United Nations human rights machinery is confronted with many and growing challenges. Human rights mechanisms have recently been under attack by some States which want to see then weakened and marginalized. In Vienna, the United Nations World Conference on Human Rights recognized "the necessity for a continuing adaptation of the UN's human rights machinery to the current and future needs in the promotion and protection of human rights"[1] and for better coordination of relevant activities. The *Vienna Declaration and Programme of Action* also underlined "the importance of preserving and strengthening the system of special procedures."[2]

3. It is essential that the ongoing review of the special procedures which was initiated by the Bureau of the 54th Commission provides an opportunity to strengthen and not to undermine the effectiveness, independence and credibility of the special procedures system.

4. Rights & Democracy welcomes the observation made by the Bureau in identifying that the aim of the review is to "enhance the capacity of the UN to promote and protect internationally recognized human rights and contribute to the prevention of their violation."[3] Rights & Democracy also strongly endorses the approaches taken by the Bureau that, to advance that purpose, it is important "to promote maximum depoliticization of the Commission's work by taking all possible measures to ensure that that its procedures are established and operate on the basis of the highest standards of objectivity and professionalism, free of influence from extraneous political and other considerations."[4]

5. The Commission on Human Rights should support this view, and governments should match this commitment by meaningful action to strengthen support for the Commission's special procedures for effective and fully independent action especially to protect human rights.

Strengthening the Mechanisms

6. The mechanisms of the Commission on Human Rights are unique among international human rights bodies because of their relative speed, efficiency, and their degree of political independence. Unfortunately, under the pretext of "streamlining" and "increasing efficiency", the independence of the special procedures has been under attack by countries which have

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[1] *Vienna Declaration and Programme of Action*, A/CONF.157/24, June 25, 1993, part II, A, paragraph 17.
[2] *Id.*, Part II, E, paragraph 95.
[3] *Report of the Bureau of the fifty-fourth session of the Commission on Human Rights submitted pursuant to Commission decision 1998/112*, E/CN.4/1999/104, Observation 1.
[4] *Id.*, Observation 2, paragraph 13.

themselves been examined by these mechanisms. In general, Rights & Democracy believes that these mechanisms should be strengthen not weakened. If necessary, the possibility of granting the High Commissioner authority to influence the Commission's agenda should be explored. In particular, to ensure that the work of these mechanisms is not curtailed in any way, Rights & Democracy makes the following recommendations:

(1) The United Nations system should continue its efforts to mainstream human rights and to ensure that the protection and promotion of human rights lie at the centre of its actions and programmes;

(2) Allocate more resources to support the work of the Commission's special procedures;

Limited resources have imposed serious constraints on the activities of special procedures, whose mandates cannot always be serviced as effectively and thoroughly as their importance would warrant. As noted by the High Commissioner in *her Annual Appeal 2001*, "while the number of special procedures mandates has grown, staffing and other resources to support the mandates have not increased in real terms, let alone proportionately to the increase in mandates."[5]

More resources are required by the Office of the High Commissioner for Human Rights (OHCHR) to provide the necessary backup and support required by the special procedures so mandate holders can respond to requests for action in a timely and effective manner. Such support is needed for travel, administrative work, research and training. These funds should come from the UN regular budgets. The UN System cannot be expected to mainstream human rights, as called for in the Secretary-General's report on UN reform, unless extra resources are made available.

(3) Provide Special Rapporteurs with the technical support, research assistant and basic communications facilities to effectively carry out their work and enhance their contacts with NGOs and States through field visits and reports;

(4) Help the mandates of the Special Rapporteurs gain more visibility in all regions of the world and facilitate information exchange and cooperation between the UN mechanisms, similar regional mechanisms and institutions as well as key regional NGOs.

Ensuring a Gender Perspective within the work of Special Procedures

7. An effective system for the protection of human rights is a system that also protects and promotes human rights of women. In general, a greater gender perspective in all Special Rapporteurs' work would enhance the effectiveness of the Special Procedures. Rights & Democracy believes this could be achieved by:

(1) Ensuring equal representation of women and men in all human rights mechanisms;

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[5] OHCHR, *Annual Appeal 2001: Overview of Activities and Financial Requirements*, p.25.

(2) Providing gender training for all Special Rapporteurs, treaty bodies and expert groups;

(3) Integrating the rights of women into all Special Rapporteurs and expert group reports;

(4) Including a gender advisor in fact-finding missions to ensure that women's rights are properly addressed.

8. In this respect, attention should also be put on the mandate of the Special Rapporteur on Violence Against Women (SRVAW). Progress was made on the question of violence against women, but there is still work that needs to be done in order to more effectively address this issue within the work of the UN special mechanisms. Rights & Democracy strongly believes that:

(1) Additional financial and human resources should be allocated to the SRVAW in order to fulfil her very broad mandate;

(2) Joint missions between the SRVAW and other Special Rapporteurs should continue to be encouraged by the OHCHR.

9. We urge the Commission on Human Rights to do everything in its power to ensure that more resources and support are made available for better servicing of the special procedures system.